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For other definitions, see Words and Phrases, Vol. 4, pp. 3128-3130, Vol. 8, p. 7673.]

Appeal from Circuit Court of City of Petersburg.

Suit for a partnership accounting between one Whittle and one Davie. From the decree, Whittle appeals. Affirmed.

*Wm. B. McIlwaine*, of Petersburg, for appellant.

*R. B. Davis*, of Petersburg, *Turnbull & Turnbull*, of Lawrenceville, and *Christian, Gordon & Christian*, of Richmond, for appellees.

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HONAKER et al. v. NEW RIVER, H. & W. R. CO.

Sept. 7, 1914.

[82 S. E. 727.]

**1. Eminent Domain (§ 195\*)—Condemnation Proceedings—Issues**

—**Plea.**—Where, in proceedings by a railroad company to condemn land for a right of way, defendant's first plea denied every allegation of fact in the petition, such plea put in issue the question whether the extension of the road, for which the right of way was sought, had been authorized, or the survey through defendants' land adopted by the company as a corporation.

[Ed. Note.—For other cases, see Eminent Domain, Cent. Dig. § 524; Dec. Dig. § 195.\* 5 Va.-W. Va. Enc. Dig. 101.]

**2. Eminent Domain (§ 169\*)—Condemnation—Railroad Extension—Location—Authorization by Board of Directors.**—Where, in proceedings by a railroad company to condemn land for an extension, the railroad's right to condemn the land was put in issue, and there was no proof that the railroad's directors as a board had ever authorized the extension of the line or had ratified the act of its general manager in attempting to procure land for such extension, the proceeding was unsustainable.

[Ed. Note.—For other cases, see Eminent Domain, Cent. Dig. § 461; Dec. Dig. § 169.\* 5 Va.-W. Va. Enc. Dig. 98, 101.]

Error to Circuit Court, Bland County.

Condemnation proceedings by the New River, Holston & Western Railroad Company against one Honaker and others. Judgment for plaintiff, and defendants bring error. Reversed.

*S. W. Williams*, of Wytheville, *S. W. Williams, Jr.*, of Bland, and *J. Powell Royal*, of Tazewell, for plaintiffs in error.

*Williams & Farrier*, of Pearisburg, *Jackson & Henson*, of Roanoke, and *White, Penn & Penn*, of Abingdon, for defendant in error.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.